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June 11, 2013

The Honorable Victor Marrero  
United States District Court Judge  
United States Courthouse  
500 Pearl Street, Room 660  
New York, NY 10007

USDC SDNY  
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Re: *In re Municipal Derivative Antitrust Litigation,*  
MDL 1950, Master Docket No. 0802516 (S.D.N.Y.)(VM)(JCF)

Dear Judge Marrero:

In accordance with Your Honor's Individual Practices, the State of West Virginia respectfully requests leave to move for leave to file a Second Amended Complaint in this action.

The proposed amendment does four things. First, the proposed Second Amended Complaint amends the caption of this action to reflect the new plaintiff, Attorney General Patrick Morrisey, successor in office to named plaintiff, former-Attorney General Darrell V. McGraw, Jr. Second, the proposed Second Amended Complaint includes changes to the allegations in reference to criminal prosecutions by the United States and facts developed since the filing of the First Amended Complaint. Third, the proposed Second Amended Complaint deletes as defendants certain entities previously dismissed by order, settlement or agreement. Fourth, it reinstates the State of West Virginia's claims against GE Funding Capital Market Services, Inc. ("GE Funding"), and adds as named defendants GE-related entities Trinity Plus Funding Co., LLC and Trinity Funding Co., LLC (collectively, "GE Entities").

This Court, in its April 28, 2011 Order, dismissed West Virginia's claims against GE Funding "subject to reinstatement of the claims upon a sufficient showing by West Virginia during the course of discovery of facts supporting a plausible inference that GE Funding participated in the alleged conspiracy." *West Virginia ex rel. McGraw v. Bank of America, N.A.*, 790 F. Supp. 2d 106, 121 (S.D.N.Y. 2011). Since this Court's Order, West Virginia has monitored the criminal investigations, and conducted limited discovery. Sufficient evidence has come to light to support a plausible inference of the GE Entities' conspiratorial conduct. Specifically, the criminal proceedings against GE former employees Dominick Carollo, Peter Grimm, and Steven Goldberg culminated in a trial where West Virginia deals were featured, and all three individuals were found guilty of the conspiracy.

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at issue in the instant matter.

In light of the testimony developed during this trial, West Virginia respectfully submits sufficient additional evidence has come to light to justify the preparation and filing of the proposed Second Amended Complaint.

Respectfully submitted,



Joshua I. Barrett

cc: Counsel of record

The Clerk of Court is directed to enter into the public record  
of this action the letter above submitted to the Court by

State of West Virginia.

SO ORDERED.

6-17-13  
DATE

VICTOR MARRERO, U.S.D.J.